

Agnes K. K.

Suzanne Henderson

CITY SECRETARY  
CONTRACT NO

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: 1) YOUR SOCIAL SECURITY NUMBER OR 2) YOUR DRIVER'S LICENSE NUMBER.**

## CONSENT TO POOLING & AMENDMENT OF OIL AND GAS LEASE

STATE OF TEXAS

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§ KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TARRANT

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THAT WHEREAS, on February 6, 2007, City of Fort Worth (hereinafter called "Lessor") did execute and deliver to Vargas Energy, Ltd., an Oil and Gas Lease, which is recorded as Instrument No. D207217942, Official Public Records, Tarrant County, Texas (hereinafter called the "Lease"), covering 17.24 acres, more or less, in Tarrant County, Texas, described as follows to-wit:

Block 17, Meadows West Addition, an Addition to the City of Fort Worth, Tarrant County, Texas, according to plat recorded in Volume 388-116, Page 83 of the Plat Records, Tarrant County, Texas; and Block 16, Meadows West Addition, Phase III, an Addition to the City of Fort Worth, Tarrant County, Texas, according to plat recorded in Volume 388-115, Page 85 of the Plat Records, Tarrant County, Texas. (hereinafter called the "Land"); and

WHEREAS, the Lease and all rights and privileges thereunder are now owned by XTO Energy Inc., whose mailing address is 810 Houston Street, Fort Worth, Texas 76102 (hereinafter called "Lessee"); and

WHEREAS, Paragraph 5 of the Lease grants Lessee, upon the prior written consent of Lessor, which consent shall not be unreasonably withheld, the right to pool or combine the acreage covered by the Lease or any portion thereof as oil and gas, or either of them, with any other land, lease or leases in the immediate vicinity thereof to the extent hereinafter stipulated, when it is necessary or advisable to do so in order to properly explore or develop, produce and operate said leased premises in compliance with the spacing rules of the appropriate lawful authority, or when to do so would promote the conservation of oil and gas in and under and that may be produced from said premises. In the absence of field rules, units pooled for oil and gas hereunder shall not exceed the acreage provided for retained acreage tracts in Section 7; and

WHEREAS, Paragraph 14 states this lease may be assigned in whole or in part by Lessee and the provisions shall extend to the heirs, executors, administrators, successors and assigns of the parties hereto; provided, however, that any such assignment by Lessee shall require the prior written consent of Lessor. All transfers by Lessee (including assignments, sales, subleases, overriding royalty conveyances, or production payment arrangements) must be recorded in the county where the lease premises are located, and the recorded transfer or a copy certified to by the County Clerk of the county where the transfer is recorded must be delivered to the Lessor within sixty (60) days of the execution date.

WHEREAS, Lessee desires to create a pooled unit which includes Land and other lands not covered by the Lease;

NOW, THEREFORE, for adequate consideration, Lessor consents to and approves the creation of a pooled unit for the production of gas and hydrocarbon products produced with gas from the Barnett Shale Formation comprised of the land described on the attached Exhibit "A" and as depicted on the Plat attached hereto as Exhibit "B" and incorporated herein for all purposes (the "Unit"). Lessor and Lessee acknowledge that the Unit will include the Land and other lands not covered by the Lease. For purposes of this Consent to Pooling, Lessor agrees that all operations conducted on any lands included in the Unit shall be considered as operations

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conducted on the Land. This Consent to Pooling shall not constitute a waiver of the provisions of Paragraph 5 of the Lease with respect to any other pooling;

FURTHERMORE, Lessor and Lessee hereby agree that the formation of said pooled unit and the execution of this Consent To Unit & Amendment Of Oil and Gas Lease fulfills the obligations of Paragraph 5 and includes the approval of the assignment of the Lease to Lessee in Paragraph 14 as shown above.

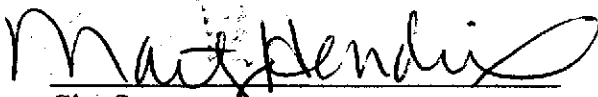
This Consent to Pooling is executed by Lessor as of the date of acknowledgment of Lessor's signature below.

**LESSOR**

**City of Fort Worth**

By:   
Assistant City Manager

ATTEST:

  
City Secretary

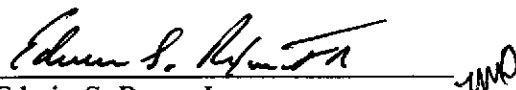
**NO M&C REQUIRED**

APPROVED AS TO FORM AND LEGALITY:

  
Assistant City Attorney

Date: 1-6-09

**LESSEE: XTO Energy Inc.**

By:   
Edwin S. Ryan, Jr.  
Senior Vice President – Land Administration

THE STATE OF TEXAS  
COUNTY OF TARRANT

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This instrument was acknowledged before me this 7<sup>th</sup> day of January <sup>2009</sup>~~2008~~, by Fernando Costa, for the City of Fort Worth, a home rule municipal corporation of the State of Texas, on behalf of said home rule municipal corporation .

My commission expires:

\_\_\_\_\_



\_\_\_\_\_  
Printed Name of Notary Public

THE STATE OF TEXAS  
COUNTY OF TARRANT

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This instrument was acknowledged before me this 20<sup>th</sup> day of January 2008<sup>9</sup>, by Edwin S. Ryan, Jr., Sr. Vice President - Land Administration of XTO Energy Inc., a Delaware corporation, on behalf of said corporation.



My commission expires:

\_\_\_\_\_

Charla F Wilkes

Notary Public in and for the  
State of Texas

Charla F Wilkes

\_\_\_\_\_  
Printed Name of Notary Public

**EXHIBIT A**  
**TIMBER CREEK B UNIT**  
Attached to and made apart of that certain  
Designation of Unit for the Timber Creek B Unit

All that certain lot, tract or parcel of land located in the J. ROGERS SURVEY, ABSTRACT 1264 and the J. SPILLMAN SURVEY, ABSTRACT 1377, both in Tarrant County, Texas, being part of those certain 139.514 acres-(Tract 1 portion), 45.611 acres-(Tract 2 portion) and 0.395 acres-(Tract 3 portion) conveyed to Edwards Geren, Limited by deed recorded in Volume 12915, Page 394, Deed Records, Tarrant County, Texas (D.R.,T.Co.,Tx.); 95.353 acres-(Parcel 39, Part 1)and 1.609 acres-(Parcel 39, Part 2) conveyed to State Highway Commission by deed recorded in Volume 5074, Page 76, D.R.,T.Co.,Tx.; 5.1 acres conveyed to Texas Electric Service Company by deed recorded in Volume 2753, Page 516, D.R.,T.Co.,Tx.;; 7.49 acres conveyed to Texas Electric Service Company by deed recorded in Volume 5435, Page 254, D.R.,T.Co.,Tx; 76.67 acres conveyed to Timber Creek Land and Development Corporation by deed recorded in Volume 13204, Page 184, D.R.,T.Co.,Tx.; 2.155 acres conveyed to Benbrook Water and Sewer Authority by deed recorded in Volume 2945, Page 858, D.R.,T.Co.,Tx.; being part of Block 3 and Tract A-1, all of Block 4 and Block 5 of the Ridglea Country Club Estates, an addition to the Cities of Fort Worth and Benbrook, Tarrant County, Texas recorded by plat in Volume 388-42, Page 31, Plats Records, Tarrant County, Texas (P.R.,T.Co.,Tx.); Block 17 of Meadow West Addition, an addition to the City of Fort Worth, Tarrant County, Texas recorded by plat in Volume 388-116, Page 83, P.R.,T.Co.,Tx.; and Block 16 of Meadow West Addition, Phase III, an addition to the City of Fort Worth, Tarrant County, Texas recorded by plat in Volume 388-116, Page 85, P.R.,T.Co.,Tx. and being more particularly described in one tract as follows:

BEGINNING at the Northwest corner of Lot 50, Block 3 of said Ridglea Country Club Estates, said point being the Northwest corner of herein described Timber Creek B Unit;

THENCE with the North line of said Unit the following:

North 73 degrees 45 minutes 00 seconds East – 162.70 feet to a point;

North 64 degrees 51 minutes 00 seconds East – 345.30 feet to a point;

North 72 degrees 17 minutes 00 seconds East – 234.80 feet to a point;

North 76 degrees 49 minutes 00 seconds East – 223.60 feet to a point;

North 84 degrees 06 minutes 00 seconds East – 145.90 feet to a point;

South 73 degrees 13 minutes 00 seconds East – 161.00 feet to a point;

South 56 degrees 03 minutes 00 seconds East – 109.10 feet to a point;

North 47 degrees 30 minutes 00 seconds East – 160.00 feet to a point;

South 77 degrees 57 minutes 00 seconds East – 189.10 feet to a point; and

North 76 degrees 56 minutes 16 seconds East – 272.70 feet to the Northeast corner of said unit, said point being in the East line of said Ridglea Country Club Estates;

THENCE with the East line of said Unit the following;

South 05 degrees 37 minutes 16 seconds West – 251.20 feet to a point;

South 05 degrees 15 minutes 00 seconds East – 166.60 feet to a point;

South 25 degrees 45 minutes 00 seconds East – 222.20 feet to a point;

South 32 degrees 41 minutes 00 seconds East – 586.77 feet to a point;

North 46 degrees 47 minutes 25 seconds East – 31.33 feet to a point;

South 18 degrees 25 minutes 15 seconds East – 100.75 feet to a point;

South 02 degrees 25 minutes 16 seconds West – 150.10 feet to a point;

South 15 degrees 25 minutes 52 seconds West – 125.89 feet to a point;

South 19 degrees 09 minutes 30 seconds East – 168.30 feet to a point;

South 61 degrees 11 minutes 21 seconds East – 311.19 feet to a point;

South 48 degrees 27 minutes 13 seconds East – 149.68 feet to a point;

South 14 degrees 45 minutes 13 seconds East – 124.50 feet to a point;

South 03 degrees 22 minutes 08 seconds East – 12.34 feet to a point;

South 89 degrees 12 minutes 52 seconds East – 131.58 feet to the beginning of a non-tangent curve to the right having a radius of 406.00 feet and chord bearing of South 35 degrees 23 minutes 11seconds West, 596.19 feet;

With said curve to the right an arc distance of 669.51 feet to a point;

South 82 degrees 37 minutes 40 seconds West – 631.51 feet to the beginning of a curve to the left having a radius of 634.00 feet and a chord bearing of South 52 degrees 06 minutes 20 seconds West, 643.98 feet;

With said curve to the left an arc distance of 675.48 feet to a point;

South 21 degrees 35 minutes 00 seconds West – 601.32 feet to the beginning of a curve to the left having a radius of 619.00 feet and chord bearing of South 10 degrees 29 minutes 05 seconds West, 238.11;

With said curve to the left an arc distance of 239.81 feet to the Northwest corner of River Bend Road and Bellaire Drive South, said point being the beginning of a non-tangent curve to the left having a radius of 345.91 feet and a chord bearing of South 66 degrees 43 minutes 37 seconds West, 110.88 feet;

With said curve to the left an arc distance of 111.36 feet to a point;

South 57 degrees 30 minutes 15 seconds West – 442.31 feet to the beginning of a curve to the left having a radius of 247.39 feet and a chord bearing of South 42 degrees 05 minutes 51 seconds West, 130.94 feet;

With said curve to the left an arc distance of 132.52 feet to the Northeast corner of Lot 13, Block 9 of said Meadows West Addition Phase III;

North 83 degrees 59 minutes 45 seconds West – 124.76 feet to a point;

South 08 degrees 50 minutes 24 seconds West – 114.45 feet to a point;

South 62 degrees 56 minutes 44 seconds West – 170.71 feet to a point;

South 14 degrees 22 minutes 06 seconds West – 248.81 feet to a point; and

South 07 degrees 07 minutes 24 seconds West 56.56 feet to the Southeast corner of said Unit, said point being the Southeast corner of said Block 16 of Meadows West Addition Phase III;

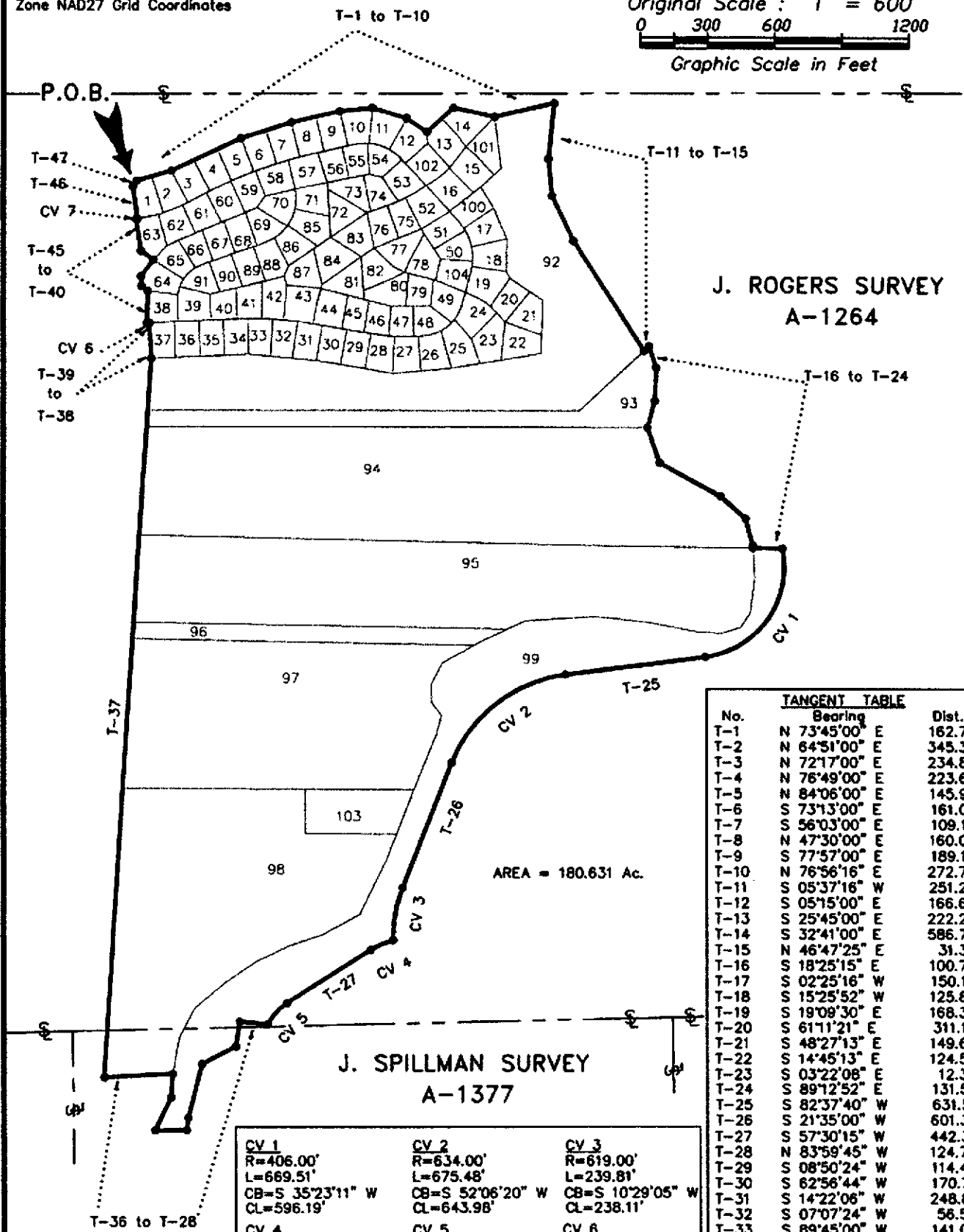
THENCE with the South line of said Unit the following:

South 89 degrees 45 minutes 00 seconds West – 141.05 feet to a point;

North 25 degrees 35 minutes 12 seconds East – 166.21 feet to a point; and

Coordinates are North Central  
Zone NAD27 Grid Coordinates

Original Scale : 1" = 600  
0 300 600 1200  
Graphic Scale in Feet



| LEASE NO. | LESSOR     | ACRES | LEASE NO.  | LESSOR           | ACRES   |
|-----------|------------|-------|------------|------------------|---------|
| 1         | Cloud      | 0.401 | 51         | Austin           | 0.394   |
| 2         | Showmaker  | 0.403 | 52         | Mathews          | 0.455   |
| 3         | Stephens   | 0.398 | 53         | Coote            | 0.438   |
| 4         | Staples    | 0.400 | 54         | Genochio         | 0.355   |
| 5         | O'Reilly   | 0.407 | 55         | Gilley           | 0.336   |
| 6         | Kennedy    | 0.409 | 56         | Crandall         | 0.345   |
| 7         | Barst      | 0.409 | 57         | Beaugez          | 0.448   |
| 8         | Leamer     | 0.408 | 58         | Svoiger          | 0.425   |
| 9         | Scott      | 0.403 | 59         | Merritt          | 0.396   |
| 10        | Jeffers    | 0.434 | 60         | Yager            | 0.409   |
| 11        | Pope       | 0.451 | 61         | Herfel           | 0.397   |
| 12        | Davenport  | 0.440 | 62         | Sands            | 0.404   |
| 13        | Green      | 0.476 | 63         | Dinkins          | 0.432   |
| 14        | Adams      | 0.471 | 64         | Fertig           | 0.428   |
| 15        | Garrison   | 0.474 | 65         | Hoffman          | 0.379   |
| 16        | Lind       | 0.457 | 66         | Gee              | 0.330   |
| 17        | Sklar      | 0.428 | 67         | Cherkasov        | 0.355   |
| 18        | Payne      | 0.413 | 68         | Hough            | 0.368   |
| 19        | Matzinger  | 0.503 | 69         | M. Williams      | 0.392   |
| 20        | Mumane     | 0.379 | 70         | Lees             | 0.402   |
| 21        | Blair      | 0.436 | 71         | Muckleroy        | 0.404   |
| 22        | Barrera    | 0.507 | 72         | M. Bourland      | 0.418   |
| 23        | Gross      | 0.506 | 73         | Bruton           | 0.406   |
| 24        | Olsen      | 0.476 | 74         | Ingold           | 0.349   |
| 25        | Kardaras   | 0.510 | 75         | Pinkerton        | 0.340   |
| 26        | Johnson    | 0.444 | 76         | Anderson         | 0.388   |
| 27        | Holmes     | 0.430 | 77         | Collins          | 0.461   |
| 28        | Fairley    | 0.433 | 78         | Jones            | 0.423   |
| 29        | Bobo       | 0.404 | 79         | Bell             | 0.344   |
| 30        | Neben      | 0.404 | 80         | D. Moore         | 0.455   |
| 31        | Booker     | 0.411 | 81         | Moreno           | 0.445   |
| 32        | Bridge     | 0.408 | 82         | Holland          | 0.447   |
| 33        | Roland     | 0.396 | 83         | T. Williams      | 0.453   |
| 34        | Griffin    | 0.401 | 84         | Andreen          | 0.530   |
| 35        | Teegarden  | 0.404 | 85         | S. Daly          | 0.456   |
| 36        | Duncan     | 0.404 | 86         | Bond             | 0.396   |
| 37        | Youngblood | 0.404 | 87         | Caraway          | 0.438   |
| 38        | Field      | 0.415 | 88         | Arnold           | 0.425   |
| 39        | Sanford    | 0.449 | 89         | Gannaway         | 0.380   |
| 40        | Coffey     | 0.350 | 90         | Fisher           | 0.356   |
| 41        | L. Brown   | 0.394 | 91         | McRae            | 0.357   |
| 42        | Martin     | 0.433 | 92         | Ridglea OC       | 18.476  |
| 43        | M. Moore   | 0.514 | 93         | TXU Minerals     | 5.068   |
| 44        | Sordini    | 0.461 | 94         | Geren Ltd        | 29.469  |
| 45        | Serrano    | 0.341 | 95         | Geren Ltd        | 23.436  |
| 46        | Newman     | 0.342 | 96         | TXU Minerals     | 2.754   |
| 47        | Crowley    | 0.332 | 97         | Geren Ltd        | 20.904  |
| 48        | Peters     | 0.382 | 98         | Timber Creek     | 22.527  |
| 49        | Jordan     | 0.436 | 99         | City of Ft Worth | 16.532  |
| 50        | R. Brown   | 0.347 | 100        | Endsley          | 0.398   |
|           |            |       | 101        | Pugh             | 0.473   |
|           |            |       | 102        | Cochran          | 0.446   |
|           |            |       | 103        | Benbrook Water   | 2.052   |
|           |            |       | 104        | Hughes           | 0.398   |
|           |            |       |            |                  |         |
|           |            |       | TOTAL AREA |                  | 180.631 |

## EXHIBIT B

### TIMBER CREEK B UNIT

Attached to and made a part of of that certain  
Designation of Unit for the Timber Creek B Unit

SHEET 2 OF 2

Sempco Surveying, Inc.  
3208 S. Main St.  
Ft. Worth, TX 76110  
(817) 926-7876

Proj. No. 8498-Timber Creek B Unit-Bdy-2

SCALE 1" = 600'

DWN: TRK

DATE: 11/03/08

XTO ENERGY INC.  
TIMBER CREEK B UNIT

Tarrant County, Texas